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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,163	01/28/1999	HIROSHI SUMIYAMA	032567-002	6659

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EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 05/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/238,163	SUMIYAMA ET AL.	
	Examiner	Art Unit	
	Madeleine AV Nguyen	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to response filed on February 21, 2002.

Response to Applicant's Remarks

Applicant remarks that it would not have been obvious for someone looking to improve the digital laser printer of Hattori to combine features of the Hanamoto analog copier control system with the digital laser printer of Hanamoto since Hanamoto relates to an analog copying machine that is not capable of to store image data and Hattori discloses a laser printer that does store and use digital image data.

It is noted that, in a conventional reproduction machine, an analog image can be converted to digital image by an analog/digital converter, and it was commonly known in the art that a conventional reproduction machine can be a copier and printer machine. Previously cited reference Hansen (US Patent No. 5,535,009) supports that well known prior art by disclosing a copier and printer apparatus (Fig. 1; Abstract). Hansen further teaches that the copier and printer apparatus comprises a memory for storing image data (col. 1, lines 49-51) and a memory for storing a plurality of production jobs for printing (col. 2, lines 19-20), and the apparatus can be a laser printer (col. 4, lines 50-65). Thus, it would have been obvious to one skilled in the art at the time the invention was made for someone looking to improve the digital laser printer of Hattori to combine features of the Hanamoto analog copier control system with the digital laser printer of Hanamoto since an analog copier machine can be improved to become digital copier machine while a reproduction device can be an analog and digital copier.

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In addition, although Hattori does not directly teach a memory for storing forming conditions, Hattori teaches a panel interface (P.I/F 57) for receiving and storing input data as image forming conditions from the operation panel 58. Thus, the panel interface 57 can be considered as a memory for storing image forming conditions.

It is noted that Applicant can not show non-obviousness by attacking the test for obviousness is not whether the features of the reference may be bodily incorporated into the other to produce the claimed subject matter but simply that the references make obvious to one of ordinary skill in the art. In re Bozek, 163 USPQ 545, (CCPA 1969); In re Richman 165 USPQ 509, (CCPA 1970); In re Beckum, 169 USPQ 47 (CCPA 1971); in re Sneed, 710 F.2d 1544, 218 USPQ 385. In addition, it is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).

The rejection of claims 1-18 is maintained.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori (US Patent No. 5,532,792) in view of Hanamoto (US Patent No. 5,152,001).

Concerning claim 1, Hattori discloses an image forming apparatus comprising a memory for storing image data; an image output unit for outputting the image data stored in the first memory under image forming conditions; command means for generating a command of discharging the image data being output from the image output unit; a controller for discarding the image data stored in the memory when the command discarding the image data is generated by the command means.

Hattori does not teach a memory for storing image forming conditions. However, it was commonly known in the art that a conventional image forming apparatus has a memory for storing the image forming conditions in order for the CPU to read them and control the image forming apparatus based on these conditions. For instance, in the Background of the Invention, Hattori teaches a laser printer is equipped with an operation panel which provided with setting keys and setting switches for setting various modes on the print process and a print stop key for enforcedly stopping the print process (col. 1, lines 24-27). Thus, the laser printer must include a memory for storing user's input from the panel in order to process the data for printing according to user's desire. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to consider a memory in Hattori for storing image forming conditions as a matter of well known in the art since Hattori also teaches a memory RAM 53 having various memories for storing transmission data for printing (col. 3, lines 57-65). In addition, Hanamoto discloses a copying apparatus that automatically stored copying conditions

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input from an input device (Abstract). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the memory for storing copying conditions in Hanamoto to Hattori since Hattori teaches a memory RAM 53 having various memories for storing different kind of information (col. 3, lines 57-65; col. 4, lines 40-49).

Hattori does not directly teach that the stored image forming conditions is maintained after the discarding of the image data in the memory and in the image output unit. However, Hattori teaches the input of the initial setting print conditions, programs for running the image forming apparatus and after the printing interruption, the control routine is returned to the main routine; and when the print process is started again, the laser driving signal from the laser driving signal output port OPL is supplied to the driving circuit 64 (col. 5, lines 23-29) without mentioning the deletion of the setting conditions. Hanamoto teaches that the memory forming conditions is maintained after the interruption of the printing process. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the teaching of saving the stored image forming conditions after the interruption of the printing process in Hanamoto to Hattori since Hattori teaches that after the interruption of the printing process and the printing process is started again, the print process returns to the main routine of the previous printing process.

Concerning claims 2-3, 5, 6, 9, Hattori further teaches an image input unit for inputting the image data (62, 80, Fig.2); an output means (printing part, Fig.1) for causing the output unit to output image data; the output control (CPU 59, Fig.2); means gives priority to the newly inputted image data to be output under the maintained image forming conditions over the rest of

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the image data and the image input unit and the image output unit operate independently (col. 4, line 27 - col. 5, line 38).

Concerning claims 2-9, Hanamoto further teaches an image reader (10, Fig.1); output means for causing the output unit to output image data newly input from the image input unit under the maintained image forming conditions (Fig.1); means for changing the maintained image forming conditions; the output control means gives priority to the newly inputted image data to be output under the maintained image forming conditions over the rest of the image data; if the image reader is reading another original, the command means generates a command for suspending the reading operation, and at the same time, it generates a command of discarding the image data being output after the reading operation for another original (Figs.1, 4-7; Abstract; col. 2, lines 20-62; col. 4, line 8 - col. 6, line 57).

Claims 10-18, Hattori in view of Hanamoto discloses the claimed subject matters as discussed in claims 1-9.

Conclusion

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the image data and the image input unit and the image output unit operate independently (col. 4, line 27 - col. 5, line 38).

Concerning claims 2-9, Hanamoto further teaches an image reader (10, Fig.1); output means for causing the output unit to output image data newly input from the image input unit under the maintained image forming conditions (Fig.1); means for changing the maintained image forming conditions; the output control means gives priority to the newly inputted image data to be output under the maintained image forming conditions over the rest of the image data; if the image reader is reading another original, the command means generates a command for suspending the reading operation, and at the same time, it generates a command of discarding the image data being output after the reading operation for another original (Figs.1, 4-7; Abstract; col. 2, lines 20-62; col. 4, line 8 - col. 6, line 57).

Claims 10-18, Hattori in view of Hanamoto discloses the claimed subject matters as discussed in claims 1-9.

Conclusion

4. Applicant's arguments filed on February 21, 2002 have been fully considered but they are not persuasive.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

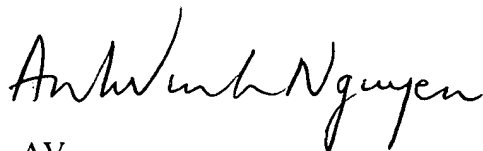
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.



AV
May 3, 2002.

Madeleine AV Nguyen
Primary Examiner
Art Unit 2622